

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 15, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, Matt Price, John Barnett of Kroger, Pam Ferguson of WSWI, Jim Calvert of Olinger and Debbie Scott of IABR were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the April 1, 2003 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the April 15, 2003 meeting, pending approval by the Commission. Motion seconded by Commissioner Davis and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Four hundred eighty-two (482) renewals approved, fifty-four (54) new and/or transfer permits approved, twenty-two (22) permits conditionally approved, eight (8) permits approved for first year escrow, and nine (9) permit approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL61-20259 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to remand this application to the local board due to the fact that the local board did not give reasons for the denial on the voting sheet and the tape recording of the hearing was not audible. Therefore, the Commission has no record on which to base its decision. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-11190 RMB OF INDY, INC. – Vice Chairperson Glass noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve this transfer. Motion seconded by Commissioner Marks and it was unanimously approved.

DL48-14518 KELLE HUMPHRIES – Vice Chairperson Glass noted this is a type 217 renewal application with the local board voting four (4) to zero (0) to approve. This is a request for 3rd year escrow. The Vice Chair stated there is litigation pending in this case.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal and 3rd year escrow. Motion seconded by Commissioner Davis and it was unanimously approved.

RR33-04975 DARRELL D. JOHNSON - Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve. This is a request for 3rd year escrow. The Vice Chair stated there is litigation pending in this case.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal and 3rd year escrow. Motion seconded by Commissioner Marks and it was unanimously approved.

RR88-20302 AND RR88-20303 EL TORO OF SALEM, INC. – Vice Chairperson Glass stated this applicant is requesting permission to file for a type 103 and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make four (4) permits inactive. Three (3) permits were not subject to auction and one (1) permit was subject to auction. Motion seconded by Commissioner Marks and it was unanimously approved.

RR49-03381 4002, INC. – Commissioner Marks stated this permit was made inactive, but the permittee was never notified of the Commission's final action. The permittee would like to have this permit reactivated. The Commissioner also stated that this is the second time the Commission has reactivated this permit and it was never put into use.

Commissioner Marks moved to reactivate this permit with the stipulation that the transfer is filed within 60 days of this reactivation, due to past history of this permittee. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals from Local Board Recommendations

OLD BUSINESS

No Old Business.

NEW BUSINESS

PIRATE'S COVE – Chairperson DePrez stated the owner of this establishment is requesting permission to purchase temporary beer and wine permits for Friday and Saturday nights until he can apply for and receive a regular alcoholic beverage permit. The Chairperson stated that Excise must sign the temporary forms before a permit can be issued. Excise refused to sign any more temporary permit forms for this establishment.

Chairperson DePrez moved to uphold the decision of the Excise Police and deny the request for temporary permits. However, she did state that this person could file for a regular permit at this location. Motion seconded by Commissioner Davis and it was unanimously approved.

SOUTH BEND SYMPHONY ORCHESTRA DINNER/AUCTION – South Bend Symphony Orchestra is requesting permission to serve donated alcoholic beverages at their dinner/auction.

INDIANAPOLIS MUSEUM OF ART BENEFIT – Indianapolis Museum of Art is requesting permission to serve donated alcoholic beverages at their party for the Nature Conservancy's Exhibit.

SECOND HELPINGS "SUNDAY SUPPER FOR SECOND HELPINGS" – Second Helpings is requesting permission to serve donated alcoholic beverages at their "Sunday Supper for Second Helpings" fundraiser.

ART ASSOCIATION OF RANDOLPH COUNTY WINE EVENT – The Art Association of Randolph County is requesting permission to serve donated alcoholic beverages at their fundraising event to promote Indiana wines.

KAPPA ALPHA PSI FRATERNITY, INC. – Kappa Alpha Psi Fraternity would like to serve donated alcoholic beverages at their Black and White Ball.

CROSSROADS REHABILITATION CENTER 2003 WINE CORNUCOPIA – Crossroads Rehabilitation Center would like to use donated alcoholic beverages for their Wine Cornucopia silent auction/wine tasting event.

SAM SCHMIDT PARALYSIS FOUNDATION "RACING TO RECOVERY" – Sam Schmidt Paralysis Foundation is requesting permission to serve donated alcoholic beverages at their 4th Annual "Racing to Recovery" fundraiser.

AUBURN CORD DUESENBERG MUSEUM BEER TASTING – Auburn Cord Duesenberg Museum is requesting permission to hold a beer tasting fundraising event.

AUBURN CORD DUESENBERG MUSEUM WINE TASTING – Auburn Cord Duesenberg Museum is requesting permission to hold a wine tasting fundraising event.

INDIANA LEAGUE OF MUNICIPAL CLERK & TREASURER CONVENTION – French Lick Springs Resort is requesting permission to serve donated alcoholic beverages at the Indiana League of Municipal Clerk & Treasurer Convention.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing under advisement.

ANNOUNCEMENTS

Chairperson DePrez stated the May 6, 2003 Commission meeting will be held on May 5, 2003 at 2:30, due to Election Day.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER